IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.26095 of 1997

Dated: November 21, 2006

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Between:

A. Rajeshwar, S/o. A. Ranga Rao, aged about 30 years, Man-Mazdoor, APSRTC, R/o. Karimnagar, Karimnagar District, and another.

… Petitioners

And

The Executive Engineer, APSRTC, Karimnagar, And others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to direct the respondents to extend timescale pay to the petitioners on par with other employees of the Corporation on the principle of 'equal pay for equal work'.

2. Petitioners claim that they have been appointed as Man-Mazdoors in Karimnagar subdivision of Andhra Pradesh State Road Transport Corporation Division and are continuing as such. Their

grievance is that other employees of the Corporation are being extended the minimum timescale of Rs.1405-40-1805-55-2355-6-1715, but they are deprived of the aforesaid minimum timescale pay though they are discharging same duties.

3. Respondents have filed counter affidavit stating that petitioners were never appointed as Man-Mazdoors and there is no cadre of Man-Mazdoor at all in the Corporation. It is stated that they are working under the contractors engaged by the Corporation. Petitioners have not filed reply affidavit controverting the aforesaid averments of the respondents.

4. A scale of pay is attached to a definite post and in case of a daily wager, he holds no posts. The petitioners, who are not regular employees of the Corporation, cannot claim even any comparison with the regular and permanent staff for any or all purposes including a claim for equal pay and allowances. They are not, therefore, entitled to take the recourse of the doctrine of 'equal pay for equal work'.

5. The Writ Petition is devoid of merits and is accordingly dismissed. However, petitioners are not precluded from claiming minimum wages from their employer. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 21, 2006
MRR